

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>In re:</b>	)	
	)	
<b>EAGLE PROPERTIES AND INVESTMENTS, LLC</b>	)	<b>CASE NO. 23-10566-KHK</b>
	)	
<b>Debtor.</b>	)	<b>Chapter 7</b>

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**APPLICATION TO EMPLOY REAL ESTATE AGENT AND BROKER**

COMES NOW H. Jason Gold, Trustee (“Trustee”), by counsel, and files this Application to Employ Real Estate Agent and Broker, stating to the court as follows:

1. H. Jason Gold is the duly qualified and acting chapter 7 Trustee herein.
2. Among the assets in this case are multiple parcels of real properties owned by the Debtor in Virginia, Maryland, and Pennsylvania, identified as follows (“Properties”):

- 1203 Cottage Street, SW, Vienna, VA
- 449 Lawyers Road, NW, Vienna, VA
- 1010 Lynn Street, SW, Vienna, VA
- 445 Windover Avenue, Vienna, VA
- 1001 Manning Drive, Falmouth, VA
- 2565 Chain Bridge Road, Vienna, VA
- 2567 Chain Bridge Road, Vienna, VA
- 15474 Roxbury Road, Glenwood, MD

Dylan G. Trache, Va. Bar No. 45939  
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Counsel to the Chapter 7 Trustee

- 897 W. Lombard Street, Baltimore, MD
- 3012 Dupont Ave, Baltimore, MD
- 202 N. Port Street, Baltimore, MD
- 213 N. Port Street, Baltimore, MD
- 580 W. Areba Avenue, Hershey, PA
- 1343 Church Road, Hershey, PA
- 1635 Church Road, Hershey, PA
- 7616 Grove Avenue, Harrisburg, PA
- 7180 Jonestown Road, Harrisburg, PA
- 7213 Linglestown Road, Harrisburg, PA
- 1630 E. Chocolate Ave, Hershey, PA
- 7939 Ridge Land, Hummellstown, PA
- 248 Berkstone Drive, Harrisburg, PA
- 204 S. Fairville Ave, Harrisburg, PA
- 6958 New Oxford Road, Harrisburg, PA
- 6961 Sterling Road, Harrisburg, PA
- 71 Lucy Ave, Hummellstown, PA

3. In order to market and administer the Properties for maximum benefit to the estate and its creditors, it is necessary to employ the services of a licensed real estate agent and broker.

4. Based on the foregoing, the Trustee desires to employ Stephen Karbelk as the real estate agent and team leader of RealMarkets (“Agent”), who is affiliated with CENTURY 21 New Millennium (“Broker”), to procure and submit to the Trustee offers to purchase the Properties.

Stephen Karbelk is supported by Stephanie Young and Robert Walters, realtors with the Broker. In consideration for its services, the Broker will request compensation, upon consummation of any such sale, for a real estate broker's commission in an amount equal to five and one-half percent (5 ½%) of the sales price, with a 3% commission going to the Agent and a 2 ½% commission going to the buyer's broker.

5. For the properties located in Pennsylvania, CENTURY 21 New Millennium is a licensed real estate broker. Those properties will be marketed through a licensed CENTURY 21 New Millennium agent. Once that agent is identified, CENTURY 21 New Millennium will file a separate Declaration of Real Estate Agent with the Court.

6. For the commercial properties located at 2565 & 2567 Chain Bridge Road, Vienna, Virginia 22181, they will be marketed by CENTURY 21 Commercial New Millennium. The listing agent will be Stephen Karbelk and he will be supported by Stephanie Young and Robert Walters.

7. Nonetheless, payment of the Broker's fees and costs shall only be made upon further order of the Bankruptcy Court.

8. The Broker understands that the Trustee may elect to engage another broker for select properties in Pennsylvania that may have an offer pending prior to the Chapter 7 conversion. If the Trustee elects to engage another broker for purposes of accepting a pre-conversion offer, then the Broker shall not be paid any commission. However, the Broker may receive, pursuant to a separate employment application, a fee for asset management services. The payment of all fees is subject to Bankruptcy Court approval.

9. In order to facilitate the sale of the Properties under these circumstances, the Trustee further requests that the Court authorize his Agent, Stephen Karbelk of CENTURY 21 New Millennium and his co-listing agents, Stephanie Young and Robert Walters of CENTURY 21 New Millennium, to request and obtain verbal and written payoff statements, payment histories, and related information and documents from any secured creditor in this case, including but not limited to Fulton Bank, Shore United Bank, LinkBank fka Virginia Partners Bank, Bank of Clarke County, MainStreet Bank, Asset Based Lending, Bala Jain, Orrstown Bank, Aeroa Mortgage Loan Trust 2019-I and Gus Goldsmith (the “Secured Creditors”); and provide such documents as may be reasonably requested by the Secured Creditors in connection with any sale.

10. The Agent is authorized, to the extent it is necessary and as directed by the Trustee, to have the Properties rekeyed. Subject to further order and approval of this Court, the Agent shall be reimbursed for all expenses incurred to have the Properties rekeyed, upon the sale of the Properties.

11. The Agent whom the Trustee proposes to employ has been informed and understands that no sale may be consummated until after notice and a hearing and with Court approval.

12. The Trustee believes that the employment of the Agent and Broker on the terms and conditions provided for herein is in the best interest of the estate.

13. The Trustee is satisfied by the Declaration of Real Estate Agent that the Agent is a disinterested person within the meaning of 11 U.S.C. § 101(14), attached hereto as Exhibit “A.”

14. To the best of the Trustee’s knowledge, neither the Agent nor the Broker represent any interest adverse to the Trustee or the bankruptcy estate, and have no connection with the

Debtor, his creditors, other parties in interest, purchasers or potential purchasers of the subject real estate, the United States Trustee, or anyone employed by the United States Trustee, except that the Agent, with the support of either Stephanie Young and Robert Walters, (i) have been employed and approved by the Court to assist the Trustee with the sale of assets in other bankruptcy cases pending before this Court, and (ii) has privately assisted the Trustee in his individual capacity in connect with the sale of real estate. Any services rendered to the Trustee in his individual capacity were provided approximately seven years ago and no such services have been provided to the Trustee since that time.

15. The Trustee seeks to employ the Agent and Broker pursuant to 11 U.S.C. § 327(a).

WHEREFORE, the Trustee respectfully requests the entry of an Order authorizing the employment of the Agent and Broker as the real estate agent and real estate broker in this case under the terms described hereinabove and for such further relief as the Court deems just and proper.

Respectfully submitted,

H. JASON GOLD, TRUSTEE

By Counsel

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By: /s/ Dylan G. Trache  
Dylan G. Trache, Va. Bar No. 45939

*Counsel to the Chapter 7 Trustee*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of April, 2024, the foregoing Application to Employ Real Estate Agent and Broker and its accompanying Declaration, were served via CM/ECF to the parties registered to receive such notices, including:

Michael T. Freeman  
Office of the United States Trustee  
1725 Duke Street, Suite 650  
Alexandria, VA 22314

/s/ Dylan G. Trache  
Dylan G. Trache